

HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

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WRIT APPEAL No.530 of 2007

Between:

Andhra Pradesh State Road Transport Corporation,
Hyderabad
And another.

... Appellants

AND

Smt.S.Ramanamma.

... Respondent

: JUDGMENT :

Counsel for the appellants : Shri V.Padmanabha Rao
For Smt.B.G.Uma Devi

Dated: 25th June, 2007

Per C.V.NAGARJUNA REDDY, J.

This writ appeal is filed against the order dated 8.11.2006 passed by the learned Single Judge in W.P.No.19259 of 2006 whereby he directed the appellants to consider the case of respondent for appointment as Conductor/Shramik or in any other suitable post under the "Bread Winner Scheme."

Husband of the respondent was appointed as a Mechanic in Saluru Depot and he died in harness in the year 2000. Considering the representations made by the respondent to provide her with compassionate appointment, she was called for interview which was held on 17.1.2001 before the Departmental Selection Committee of the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation'). As the respondent was not provided with employment thereafter, she continued to make representations to the appellants and she was eventually sent for training and accordingly she underwent training for two months from 12.6.2003 to 12.8.2003. The respondent was asked by appellant No.2 to give her option for being posted in one of the four regions, namely; Hyderabad City, Mahboobnagar, East Godavari and Nellore and she gave her willingness to work in East Godavari region. The Managing Director of the Corporation vide his letter dated 6.11.2004 addressed to appellant No.2 instructed him to take necessary steps to appoint the respondent and seven other similarly placed candidates as Conductors Grade-II. To facilitate

the appointment of the respondent and others, they were re-allocated to Vishakapatnam region vide letter dated 10.2.2005 issued by appellant No.1. However, within a few days later, a letter was addressed from the head office of the Corporation on 16.3.2005 wherein it was stated that after re-assessment of requirement of sanctioned vacancies of the crew it was decided that no appointment/training shall be made and that it was therefore, instructed not to make appointments and that if selections are already held or if they are under process, they may be stopped. As the appellants failed to appoint the respondent despite her selection and successful completion of training, she filed W.P.No.19259 of 2006 which was disposed of by the learned Single Judge.

The appellants averred in the counter affidavit filed in the writ petition that though appellant No.1 requested the Government for permitting the Corporation to appoint the dependents of the deceased employees under the Bread Winner Scheme against regular vacancies, the said request was turned down by the Principal Secretary to Government vide his letter dated 30-7-2005 and the appellant No.1 again sent requests on 26-9-2005 and 11-11-2005 for according permission and that there was no response so far from the Government. It is also stated in the counter affidavit that in view of G.O.Ms.No.74 dated 7-4-2005 and the letter dated 30-7-2005 issued by the Principal Secretary to Government, the respondent cannot be appointed. As already stated hereinabove the learned Single Judge disposed of the writ petition with the direction as aforementioned.

We have heard Sri V.Padmanabha Rao, learned counsel representing Smt. B.G.Uma Devi, Standing Counsel for the appellants.

The learned counsel for the appellants argued that the Principal Secretary to Government in his letter dated 30-7-2005 directed the Corporation to dispense with the compassionate appointments and pay ex gratia to the dependants of the employees dying in harness and that therefore, as the Corporation cannot make appointment without prior approval of the Government, the appellants are not in a position to provide employment to the respondent.

On consideration of the respective stands taken by the parties, the learned Single Judge chose to dispose of the Writ Petition with a direction to consider the case of the respondent under Bread Winner Scheme. The fact that the respondent was selected by the Departmental Selection Committee and has in fact completed the training successfully weighed with the learned Single Judge in directing the appellants to consider the case of respondent for appointment on compassionate grounds under the Bread Winner Scheme against the posts of Conductor/Shramik or any other suitable posts. In pursuance of the Bread Winner Scheme, the Corporation considered the applications of the respondent along with others under the said scheme and not only that she was selected but was sent for training which she successfully completed. It is also not in dispute that the options were called for and to facilitate the appointment, the allotment of respondent was changed from East Godavari to Vishakapatnam

region. We have perused the letter dated 30-7-2005 addressed by the Principal Secretary to the Government to the Vice Chairman and Managing Director of the Corporation and we have our own doubt whether the said communication affects the persons who are already considered for appointments, selected and underwent training. For the time being we refrain from giving a finding on this issue because the learned Single Judge merely directed the appellants to consider the case of the respondent having regard to the fact that she was already selected and successfully completed her training. Since the learned Single Judge merely directed the appellants to consider the case of the petitioner we do not see any error in his order warranting our interference in exercise of Letters Patent Jurisdiction.

On the aforesaid premise the writ appeal deserves to be dismissed. Ordered accordingly.

In our opinion the order of the learned Single Judge does not in any manner affect the interest of the appellants and the appellants indulged in vexatious litigation by filing this writ appeal. The appellants are therefore saddled with costs of Rs.10,000/- payable to the Andhra Pradesh Legal Services Authority within a period of four weeks from today. The Secretary, Legal Services Authority is directed to inform the Registry whether the appellants have paid the costs as directed, so that, in the event of non-payment, appropriate orders would be passed for recovery of costs from the appellants.

C.V. NAGARJUNA REDDY, J

G.S.SINGHVI, CJ

Date: 25-06-2007.
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